

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

THE JAMES MADISON PROJECT
1250 Connecticut Avenue, N.W.
Suite 700
Washington, D.C. 20036

and

JEFFERSON MORLEY
1804 Kenyon Street, NW
Washington, D.C. 20010

Plaintiffs,

v.

CENTRAL INTELLIGENCE AGENCY
Washington, D.C. 20505

Defendant.

Civil Action No. 18-3112

* * * * *

COMPLAINT

This is an action under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, et seq., as amended, seeking expedited processing (and, ultimately, production) of records responsive to a request submitted by the plaintiffs The James Madison Project and Jefferson Morley to the defendant Central Intelligence Agency.

JURISDICTION

1. This Court has both subject matter jurisdiction over this action and personal jurisdiction over the defendant pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1331.

VENUE

2. Venue is appropriate under 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1391.

PARTIES

3. Plaintiff The James Madison Project (“JMP”) is a non-partisan organization established in 1998 to promote government accountability and the reduction of secrecy, as well as educating the public on issues relating to intelligence and national security.

4. Plaintiff Jefferson Morley (“Morley”) is an author and investigative reporter with 35 years’ worth of experience, and is a representative of the news media.

5. Defendant Central Intelligence Agency (“CIA”) is an agency within the meaning of 5 U.S.C. § 552(f), and is in possession and/or control of the records requested by the plaintiffs that are the subject of this action.

FACTUAL BACKGROUND

6. This lawsuit is brought under the Freedom of Information Act (“FOIA”). At its core, it seeks a more comprehensive and complete production of the historical record of coordination between the CIA and the late President George H.W. Bush (“President Bush”) prior to his time of service as Director of the CIA.

7. The CIA has previously released records confirming the existence of contractual agreements and/or professional interactions between the CIA and companies regarding which President Bush had ownership of or in which he served in a leadership capacity. The CIA has also previously released documentation outlining how one of President Bush’s business partners, Thomas J. Devine, was a “cleared and witting commercial asset” for a CIA operation. The historical record of these interactions and associations during the time in which President Bush was still a private citizen, however, remains incomplete. In light of President Bush’s recent passing, the needs of transparency require providing the public with a deeper understanding of his efforts to assist the CIA prior to his public service.

COUNT ONE (EXPEDITED PROCESSING)

8. The plaintiffs, JMP and Morley (hereinafter referred to jointly as “the Requesters”), repeat and reallege paragraphs 6 and 7 above, inclusive.

9. By letter dated December 6, 2018, the Requesters submitted to the CIA a FOIA request for copies of records, including cross-references, concerning President Bush.

10. The FOIA request sought records including, but not limited to, any association or contractual agreements with (a) President Bush, (b) Zapata Petroleum Corporation or (c) Zapata Offshore Corporation. The timeframe of the scope of the request is limited from 1953 to March 1, 1971.

11. The CIA was required to issue a determination on the request for expedited processing “within 10 days after the date of the request.” 5 U.S.C. § 552(a)(6)(E)(ii)(I). Thus, a response was due no later than December 17, 2018.

12. To date, no substantive response has been received by the Requesters from CIA regarding expedited processing. The Requesters have constructively exhausted all required administrative remedies for seeking expedited processing.

WHEREFORE, plaintiffs The James Madison Project and Jefferson Morley pray that this Court:

- (1) Order the defendant federal agency to grant expedited processing to the plaintiffs;
- (2) Award reasonable costs and attorney’s fees as provided in 5 U.S.C. § 552(a)(4)(E) and/or 28 U.S.C. § 2412(d);
- (3) Expedite this action in every way pursuant to 28 U.S.C. § 1657(a); and
- (4) Grant such other relief as the Court may deem just and proper.

Date: December 27, 2018

Respectfully submitted,

/s/

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